IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2949 of 2005
With
FIRST APPEAL No. 2950 of 2005
To
FIRST APPEAL No. 2952 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DEPUTY COLLECTOR & 1 - Appellant(s)
Versus
JIVABHAI RAMABHAI & 1 - Defendant(s)

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Appearance :
MR UDAY R BHATT, AGP for Appellant(s) : 1 - 2.
MR KL DAVE for Defendant(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 08/02/2007

ORAL COMMON JUDGMENT :

This group of four appeals is directed against the common judgment and award made by the 5th Joint Civil Judge [S.D.], Junagadh in Land Reference Cases No. 1201 of 1999 to 1204 of 1999 dated 9th May, 2003. Since the facts and the question of law are common, they are heard together and now they are being disposed of by this common judgment.

2. The lands in question were required for construction of Dhrafad Irrigation Canal Project. Hence proposal to the Government to acquire them for the aforesaid public purpose was made. In response to the said proposal, the proceedings under the Land Acquisition Act, 1894 [hereinafter referred to as 'the Act'] were initiated. Notification under section 4(1) of the Act was published on 18th June, 1992 and declaration under section 6 was made on 6th August, 1992. The Land Acquisition Officer made the award on 17th September, 1992. He determined the market value at Rs.300/- per Are for Bagayat land and Rs.250/- per Are for Jirayat land. The claim of the respondents was Rs.1,000/- per Are.

2.1. Since the respondents were not satisfied with the quantum of compensation awarded by the Land Acquisition Officer, they made application under section 18 of the Act. The applications were entertained by the Collector and ultimately they culminated into the aforesaid reference cases. Before the Reference Court, evidence was led and on the basis of the same, the Court

partly allowed the reference cases and granted additional compensation at the rate of Rs.558/- per Are for both the kinds of lands. Hence, these appeals.

3. I have heard Mr. Uday R Bhatt, Ld. AGP for the appellants. I have also perused the record of the appeal. It clearly appears that the disputed amount in each appeal is less than Rs.15,000/-. By now it is well settled proposition of law that in ordinary circumstances dispute below Rs.30,000/- can be put in the category of petty claim. The amounts involved in the present appeals are, therefore, very meagre and they can be disposed of on the ground of smallness of the amount itself. The maximum amount that is involved in one of the present appeals is Rs.11,226/-. In view of the same, no interference is required to be made by this Court and these appeals can be disposed of on the ground of smallness of amount alone. Hence, they are dismissed without going into the merits of the case. No order as to costs.

[Akshay H Mehta, J.]

* Pansala.